

_____Published in the Wichita Eagle, **April 14, 2006**

ORDINANCE NO. 46-904

AN ORDINANCE LEVYING ASSESSMENTS ON LOTS, PIECES AND PARCELS OF LAND IN THE CITY OF WICHITA, KANSAS, FOR THE PURPOSE OF PAYING A PORTION OF THE COST OF **CONSTRUCTING WATER DISTRIBUTION SYSTEM NO. 448-89908, TO SERVE AVALON PARK 2ND ADDITION, North of 37th Street North, East of Tyler (470-873).**

WHEREAS, pursuant to the proceedings regularly had according to law, contracts have been let for the following improvement in the City of Wichita, Kansas: constructing **Water Distribution System No. 448-89908, TO SERVE AVALON PARK 2ND ADDITION** and such contracts have been duly performed, and

WHEREAS, the Governing Body has determined that the total cost of such improvement is **\$52,900.00** and that **\$52,900.00** be assessed against the improvement district and **\$0.00** be paid by the Water Utility Fund, and

WHEREAS, said Governing Body has, after due notice, met and determined the amount of such special assessments.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. Special assessments to pay the cost of said improvement as authorized by **Resolution No. R-03-661, adopted December 16, 2003, and published December 22, 2003**, be and the same are hereby levied against the several lots, pieces and parcels of land liable for special assessment for said improvement as follows:

LEGAL OF PARCEL IN BENEFIT DISTRICT	ASSESSMENT
LOT 5 BLOCK 1 AVALON PARK 2ND ADD.	1,429.73
LOT 15 BLOCK 1 AVALON PARK 2ND ADD.	1,429.73
LOT 24 BLOCK 1 AVALON PARK 2ND ADD.	1,429.73
LOT 1	1,429.73

BLOCK 2 AVALON PARK 2ND ADD.	
LOT 2 BLOCK 2 AVALON PARK 2ND ADD.	1,429.73
LOT 5 BLOCK 2 AVALON PARK 2ND ADD.	1,429.73
LOT 6 BLOCK 2 AVALON PARK 2ND ADD.	1,429.72
BEG NE COR LOT 1 TH W 133 FT S 41.88 FT E 133 FT N 42.07 FT TO BEG BLOCK 1 AVALON PARK 2ND ADD	545.51
BEG SE COR LOT 2 TH W 133 FT N 43.14 FT E 133 FT S 43.40 FT TO BEG BLOCK 1 AVALON PARK 2ND ADD.	687.39
BEG SE COR LOT 3 TH W 133 FT N 47.19 FT E 133 FT S 47.03 FT TO BEG BLOCK 1 AVALON PARK 2ND ADD.	748.43
BEG SE COR LOT 4 TH W 133 FT N 40.59 FT E 133 FT S 40.53 FT TO BEG BLOCK 1 AVALON PARK 2ND ADD.	644.39
BEG SW COR LOT 6 TH N 129.92 FT SE 202.84 FT SW 27.75 FT NW 124.21 FT TO BEG BLOCK 1 AVALON PARK 2ND ADD	647.47
BEG SW COR LOT 7 TH N 46.24 FT E 126.30 FT SE 10.56 FT S 37.70 FT W 133 FT TO BEG BLOCK 1 AVALON PARK 2ND ADD	573.25
BEG SW COR LOT 8 TH N 47.11 FT E 133 FT S TO SE COR W 133 FT TO BEG	741.86

BLOCK 1 AVALON PARK 2ND ADD.	
BEG NW COR LOT 9 TH E 133 FT SE 61.37 FT SW 28.06 FT W 148.34 FT N 65.43 FT TO BEG BLOCK 1 AVALON PARK 2ND ADD	774.80
BEG W COR LOT 10 TH NE 211.77 FT SE 36.97 FT SW 146.58 FT TO BEG OF CUR TH ALG CUR 97.39 FT W 21.99 FT TO BEG BLOCK 1 AVALON PARK 2ND ADD	802.97
BEG NW COR LOT 11 TH NE 125.55 FT TO NE COR SE 60.08 FT SW 124.83 FT TO CUR NW ALG CUR 35.59 FT TO BEG BLOCK 1 AVALON PARK 2 ND ADD	693.54
BEG NW COR LOT 12 TH NE 136.36 FT SE 25.80 FT S 34.28 FT SW 136.09 FT TO W LI & BEG OF CUR NW ALG CUR 32.27 FT TO BEG BLOCK 1 AVALON PARK 2ND ADD	707.01
BEG SW COR LOT 13 TH N 40.88 FT E 130 FT S 40.49 FT TO SE COR W 130 FT TO BEG BLOCK 1 AVALON PARK 2ND ADD	641.98
BEG NW COR LOT 14 TH E 130 FT S 44.62 FT W 130 FT N 44.32 FT TO BEG BLOCK 1 AVALON PARK 2ND ADD.	706.43
BEG SE COR LOT 16 TH W 48.97 FT TO PC OF CUR TH NWLY ALG CUR 57.31 FT NE 132.48 FT E 3.92 FT E 36.88 FT S 130 FT TO BEG BLOCK 1 AVALON PARK 2ND ADD	731.12
BEG SW COR LOT 17 TH N 130 FT E 44.62 FT S 130 FT W 45.01 FT TO BEG BLOCK 1 AVALON PARK 2ND ADD.	717.80

BEG SW COR LOT 18 TH N 130 FT E 43.63 FT S 130 FT W 44.19 FT TO BEG BLOCK 1 AVALON PARK 2ND ADD.	707.31
BEG SW COR LOT 19 TH N 130 FT E 73.10 FT SW 138.45 FT TO CUR ALG CUR 42.67 FT TO BEG BLOCK 1 AVALON PARK 2ND ADD	736.34
BEG SW COR LOT 20 TH NE 159.94 FT E 8.82 FT SE 66.77 FT SW 140.53 FT TO CUR NW ALG CUR 36.49 FT TO BEG BLOCK 1 AVALON PARK 2ND ADD	783.33
BEG WESTERN MOST COR LOT 21 TH NE 130.40 FT SE 60.73 FT SW 132.57 FT NW ALG CUR 35.04 FT TO BEG BLOCK 1 AVALON PARK 2ND ADD	664.50
BEG NW COR LOT 22 TH NE 138.43 FT S 63.48 FT SW 123.14 FT TO CUR NW ALG CUR 35.69 FT TO BEG BLOCK 1 AVALON PARK 2ND ADD	752.85
BEG NW COR LOT 23 TH E 120 FT S 47.14 FT W 120 FT N 47.32 TO TO BEG BLOCK 1 AVALON PARK 2ND ADD.	710.85
BEG NW COR LOT 3 TH E 12 FT TO BEG OF CUR SE ALG CUR 176.63 FT W 129.68 FT N 109.20 FT TO BEG BLOCK 2 AVALON PARK 2ND ADD	956.57
BEG NW COR LOT 4 TH E 130 FT S 45.11 FT W 130 FT N 44.95 FT TO BEG BLOCK 2 AVALON PARK 2ND ADD.	715.35
BEG SE COR LOT 7 TH SW 175.22 FT N 72.64 FT NE 146.07 FT TO CUR SE ALG CUR 37.41 FT TO BEG BLOCK 2 AVALON PARK 2ND ADD	766.30

BEG NW COR LOT 8 TH NE 175.22 FT TO NE COR & BEG OF CUR SE ALG CUR 36.06 FT SW 226 FT TO W LI N 88.93 FT TO BEG BLOCK 2 AVALON PARK 2ND ADD	592.47
BEG SW COR LOT 9 TH NE 214.02 FT TO CUR SE ALG CUR 37.57 FT SW 165.52 FT W 90.86 FT TO BEG BLOCK 2 AVALON PARK 2ND ADD	802.13
BEG NW COR LOT 10 TH SW 139.24 FT E 64.45 FT NE 130.25 FT TO CUR NW ALG CUR 38.57 FT TO BEG BLOCK 2 AVALON PARK 2ND ADD	775.44
BEG NE COR LOT 11 TH W 43.69 FT S 130.02 FT E 45.68 FT N 130 FT TO BEG BLOCK 2 AVALON PARK 2ND ADD	709.85
BEG NE COR LOT 12 TH W 45.38 FT S 130 FT E 45.25 FT N 130 FT TO BEG BLOCK 2 AVALON PARK 2ND ADD.	719.88
BEG NW COR LOT 13 TH E 12 FT TO PC OF CUR SE ALG CUR 89.38 FT SW 134.96 FT N 130 FT TO BEG BLOCK 2 AVALON PARK 2ND ADD	691.95
BEG SE COR LOT 1 W 133 FT N 68.12 FT E 133 FT S 67.93 FT TO BEG BLOCK 1 AVALON PARK 2ND ADD	884.22
BEG NE COR LOT 2 TH W 133 FT S 46.86 FT E 133 FT N 46.60 FT TO BEG BLOCK 1 AVALON PARK 2ND ADD	742.34
BEG NE COR LOT 3 TH W 133 FT S 42.81 FT E 133 FT N 42.97 FT TO BEG BLOCK 1	681.30

AVALON PARK 2ND ADD	
BEG NE COR LOT 4 TH W 133 FT S 49.41 FT E 133 FT N 49.47 FT TO BEG BLOCK 1 AVALON PARK 2ND ADD	785.34
BEG NW COR LOT 6 TH SE 316.32 FT TO CUR NW ALG CUR 76.14 FT NW 202.84 FT TO W LI N 82.25 FT TO BEG BLOCK 1 AVALON PARK 2ND ADD	782.26
BEG NORTHERN MOST COR LOT 7 TH SE 168.27 FT W 126.30 FT TO W LI N 100.86 FT TO BEG OF CUR ALG CUR 35.60 FT TO BEG BLOCK 1 AVALON PARK 2ND ADD	856.48
BEG NW COR LOT 8 TH E 133 FT S 43.71 FT W 133 FT N 42.89 FT TO BEG BLOCK 1 AVALON PARK 2ND ADD	687.87
BEG SW COR LOT 9 TH N 112.85 FT E 148.34 FT SW 183.71 FT W 3 FT TO BEG BLOCK 1 AVALON PARK 2ND ADD	654.93
BEG S COR LOT 10 TH ALG CUR 48.72 FT NE 146.58 FT SE 86.76 FT TO E COR SW 125.55 FT TO BEG BLOCK 1 AVALON PARK 2ND ADD	626.76
BEG SW COR LOT 11 ALSO BEG OF CUR TH NW ALG CUR 35.91 FT NE 124.83 FT SE 62.53 FT SW 136.36 FT TO BEG BLOCK 1 AVALON PARK 2ND ADD	736.19
BEG SW COR LOT 12 & BEG OF CUR TH NW ALG CUR 36.01 FT NE 136.09 FT S 61.96 FT W 130 FT TO BEG BLOCK 1 AVALON PARK 2ND ADD	722.72
BEG NW COR LOT 13 TH E 130 FT S	787.75

50.12 FT W 130 FT N 49.73 FT TO BEG BLOCK 1 AVALON PARK 2ND ADD	
BEG SW COR LOT 14 TH N 45.68 FT E 130 FT S 45.38 FT W 130 FT TO BEG BLOCK 1 AVALON PARK 2ND ADD	723.30
BEG NW COR LOT 16 TH S 12.09 FT TO PC OF CUR ALG CUR 128.91 FT NE 132.46 FT W 126.08 FT TO BEG BLOCK 1 AVALON PARK 2ND ADD	698.61
BEG SE COR LOT 17 TH W 44.99 FT N 130 FT E 45.38 FT S 130 FT TO BEG BLOCK 1 AVALON PARK 2ND ADD	711.93
BEG SE COR LOT 18 TH W 44.56 FT N 130 FT E 45.12 FT S 130 FT TO BEG BLOCK 1 AVALON PARK 2ND ADD	722.42
BEG SE COR LOT 19 TH NE 159.94 FT W 66.83 FT SW 138.45 FT TO CUR ALG CUR 34.06 FT TO BEG BLOCK 1 AVALON PARK 2ND ADD	693.39
BEG SE COR LOT 20 TH NE 130.40 FT NW 63.18 FT SW 140.53 FT TO CUR SE ALG CUR 37.76 FT TO BEG BLOCK 1 AVALON PARK 2ND ADD	646.40
BEG SOUTHERN MOST COR LOT 21 TH NE 138.43 FT N 15.29 FT NW 53.11 FT SW 132.57 FT TO CUR SE ALG CUR 37.83 FT TO BEG BLOCK 1 AVALON PARK 2ND ADD	765.23
BEG SW COR LOT 22 TH N 12 FT TO PC OF CUR NW ALG CUR 26.35 FT NE 123.14 FT S 55.64 FT W 120 FT TO BEG BLOCK 1 AVALON PARK 2ND ADD	676.88

BEG SW COR LOT 23 TH E 120 FT N 47.86 FT W 120 FT S 47.68 FT TO BEG BLOCK 1 AVALON PARK 2ND ADD	718.88
BEG SW COR LOT 3 TH N 42.72 FT E 129.68 FT TO CUR SE ALG CUR 8.72 FT S 33.92 FT W 130 FT TO BEG BLOCK 2 AVALON PARK 2ND ADD	473.16
BEG SW COR LOT 4 TH N 45.05 FT E 130 FT S 44.89 FT W 130 FT TO BEG BLOCK 2 AVALON PARK 2ND ADD	714.38
BEG NE COR LOT 7 TH SW 131.65 FT S 69.18 FT NE 146.07 FT TO CUR NW ALG CUR 36.48 FT TO BEG BLOCK 2 AVALON PARK 2ND ADD	663.43
BEG SW COR LOT 8 TH N 51.40 FT NE 226 FT TO CUR SE ALG CUR 37.83 FT SW 214.02 FT W 70.39 FT TO BEG BLOCK 2 AVALON PARK 2ND ADD	837.26
BEG SE COR LOT 9 TH W 76.57 FT NE 165.52 FT TO CUR SE ALG CUR 39.44 FT SW 139.24 FT TO BEG BLOCK 2 AVALON PARK 2ND ADD	627.60
BEG NE COR LOT 10 TH W 35.72 FT TO PC OF CUR WLY ALG CUR 5.18 FT SW 130.25 FT E 47.74 FT N 130 FT TO BEG BLOCK 2 AVALON PARK 2ND ADD	654.29
BEG NW COR LOT 11 TH E 46.31 FT S 130.02 FT W 44.32 FT N 130 FT TO BEG BLOCK 2 AVALON PARK 2ND ADD	719.88
BEG NW COR LOT 12 TH E 44.63 FT S 130 FT W 44.75 FT N 130 FT TO BEG BLOCK 2	709.85

AVALON PARK 2ND ADD	
BEG SE COR LOT 13 TH N 12 FT TO PC OF CUR NW ALG CUR 95.99 FT SW 134.96 FT E 130 FT TO BEG BLOCK 2 AVALON PARK 2ND ADD	737.78

SECTION 2. The amounts so levied and assessed as set forth in the foregoing Section 1 shall be due and payable from and after the date hereof at the Debt Management Section of the Finance Department. The owners of the properties will be given a period until 5:00 o'clock p.m. on **May 15, 2006**, during which the special assessments may be paid and the lien against the property for which the special assessment is paid shall thereupon be discharged and satisfied.

SECTION 3. That payment of said assessments may indefinitely be deferred against those property owners eligible for such deferral as provided in City of Wichita Ordinance No. 43-977.

SECTION 4. For any portion of the assessments which are not paid by the above specified date and time, general obligation bonds of the City, payable in installments over a period of not to exceed fifteen (15) years, will be issued as provided by K.S.A. 12-6a14 (c), and the principal amount of the unpaid assessments, together with interest on the unpaid principal balance thereof at a rate to be determined by the Governing Body (such rate not to exceed the maximum rate allowed by K.S.A. 10-1009, as amended) will be certified to the County Clerk of Sedgwick County, Kansas, for the aforesaid number of years, and will be levied against the property liable therefor in the same form and manner as, and will be collected at such time as is customary for, the levying and collecting of ad valorem property taxes, and the taxes so collected will be used for the purpose of paying the principal of and the interest on such general obligation bonds as they mature and become due. The first such levy shall be made for the year **2006**.

SECTION 5. This ordinance shall take effect and be in force as of and on **April 14, 2006** after its passage and publication once in the official city paper.

ADOPTED at Wichita, Kansas on **April 11, 2006**.

Carlos Mayans, Mayor

ATTEST:

Karen Sublett, City Clerk

(seal)

APPROVED AS TO FORM:

Gary Rebenstorf, Director of Law